THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO.21997 of 1998

DATED: 22.08.2007

Between:-

T.J.Satyanarayana Vara Prasad.

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PETITIONER
AND

State of A.P., rep. By Principal Secretary, School Education, Secretariat Buildings, Saifabad, Hyderabad & others.

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RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21997 of 1998

O R D E R

The question which arises for consideration in this writ petition is the date from which the petitioner is entitled to be appointed on compassionate grounds in an aided vacancy.

On the death of the petitioner's father, he was appointed as a Junior Assistant on 25-11-1994 in the fourth respondent-school. Despite such appointment, proceedings dated 05-02-1997 were issued approving the appointment of the petitioner on compassionate grounds as Junior Assistant with effect from the date of the order. The grievance of the petitioner is that, while the respondents had approved his appointment with effect from 05-02-1997, his appointment should have been approved with effect from
25-11-1994 and he should have been extended the benefits of grant in aid from that date.

In the counter affidavit, it is stated that the government had issued proceedings dated 31-08-1996 approving the promotion of Sri S. Raghavendra Rao, Junior Assistant as Senior Assistant from 23-02-1995 and, since the proceedings of Regional Joint Director of School Education, Warangal approving the promotion of Sri S.Raghavendra Rao as Senior Assistant is dated 31-08-1996, a vacancy can only be said to have arisen on the said date.

Sri Pratap Narayan Sanghi, learned counsel for the petitioner, would point out that, while the order approving the

promotion of the petitioner is dated 31-08-1996, the actual date of promotion as approved by the Regional Joint Director is with effect from 23-02-1995 and, as such, the vacancy must be held to have been in existence since 23-02-1995 and the petitioner is entitled to be given the benefit of appointment from that date.

Though the dispute in the present writ petition relates to the date on which the vacancy had arisen the fact, however, remains that the petitioner's appointment as Junior Assistant was approved subsequently only with effect from 05-02-1997 and not on either of the two dates i.e. 25-03-1995 or
31-08-1996. The counter affidavit is silent as to why the respondents chose to approve the appointment of the petitioner only with effect from 05-02-1997. Since these are all matters for the second respondent to decide, I consider it appropriate to direct the second respondent to examine the matter afresh and pass appropriate orders on the petitioner's request for approval of his appointment as Junior Assistant with effect from the date of his initial appointment dated 25-11-1994, in accordance with law.

Sri Pratap Narayan Sanghi, learned counsel for the petitioner, would seek leave of this Court to enable the petitioner to submit a detailed representation in this regard. Learned counsel would submit that the petitioner would make a representation within two weeks from the date of receipt of a copy of this order. The second respondent shall, within a period of four months, from the date of receipt of such representation, pass appropriate orders thereupon, in accordance with law, and communicate the same to the petitioner.

The Writ Petition is accordingly disposed of. No order as to costs.

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22.08.2007

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